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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,685	10/22/2003	Hsiang-Ling Wu	MR1345-720	4918

4586 7590 11/24/2004

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EXAMINER

TRETTEL, MICHAEL

ART UNIT	PAPER NUMBER
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3673

DATE MAILED: 11/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/689,685

Applicant(s)

WU, HSIANG-LING

Examiner

Michael Trettel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19 and 20 is/are allowed.
- 6) ☒ Claim(s) 1,2,4-17 and 21-25 is/are rejected.
- 7) ☒ Claim(s) 3 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claims 2, 9, 12, and 17 are objected to because of the following informalities: in line 3 the term “when received” should be changed to --upon receiving--, and in line 5 “receives” should be changed to --receiving--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1, 4, 8, 11, 14, 15 is rejected under 35 U.S.C. 102(a) as being anticipated by Ekern et al (US 6,629,724). Ekern shows a ventilated seat pad construction 10 of particular interest. The pad comprises a porous upper surface 14 attached to a first inner layer 16 made from an airtight material. A lower surface layer 20 also made from non-porous material is attached around its periphery 18 to the upper layer 14 and inner layer 16 to form an enclosed plenum which is filled with an expanded porous inner layer 22 formed by a spacer fabric. Air vents 32 are formed through the inner layer 16 to allow ventilation between the plenum and the upper layer 14. A tongue structure 24 is formed at one end of the pad and provides an air inlet 28 for a ventilation fan 26. The fan 26 is used to pressurize the plenum and force air through the spacer fabric 22 into the vents 32. The spacer fabric 22 has an upper layer of netting 38, a lower layer of netting 40, and

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semi-rigid threads 42 that extend between the netting layers that act as resilient support members.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 7, 9, 10, 12, 13, 16, and 17, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ekern (US 6,629,724). The use of pressure operated membrane type switches as an actuator for an electrical device is very well known in the art, such switches are the equivalent of the actuating switch already present in the Ekern ventilated pad used to operate the fan. Because of the well known use of such types of equivalent switches it would have been obvious to the skilled artisan to have used a membrane type pressure switch as the actuating means for the Ekern pad. It is also well known in general to provide an inline air filter in combination with a ventilation fan such as the one used in the Ekern pad, the use of an inline air filter provides for longer fan life and reduces the possibility of clogging the air plenum of the pad with dust particles. Because of these well known benefits it would have been obvious to the skilled artisan to have provided the Ekern pad with an inline air filter the filters the inlet air of the pad.

Claims 5, 6, and 21 to 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ekern (US 6,629,724) in view of Feher (US 5,002,336). Feher teaches

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that a ventilated seat pad can use a blower or fan in combination with a Peltier type cooling/heating device as shown in Figure 15. The Peltier device is used to heat and/or cool the air provided to the interior of the seat pad by the blower, by placing the device in the air inlet downstream of the blower such that inlet air passes over the device. It would have been obvious to the skilled artisan to have provided a Peltier type heating/cooling device in combination with the fan 26 of the Ekern seat pad, for the purpose of heating and/or cooling the air of the ventilated seat pad and thereby heating and/or cooling the seat pad itself.

Allowable Subject Matter

Claims 3 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 19 and 20 are allowed.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Short, Lin, and the patents to Feher (US 6,263,530 and 6,085,369) show ventilated seat pads and mattresses which are of particular interest.

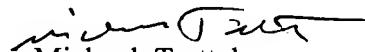
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Trettel whose telephone number is 703-308-

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0416. The examiner can normally be reached on Monday, Tuesday, Thursday, or Friday from 7.30 am to 5.00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford, can be reached on (703) 308-2978. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



Michael Trettel
Primary Examiner
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